

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
)	
Jung-hoe Kim et al.)	Group Art Unit: 2626
)	
Application No.: 10/735,894)	Examiner: Natalie Lennox
)	
Filed: December 16, 2003)	Confirmation No.: 2626
)	
For: METHOD AND APPARATUS FOR)	
ENCODING/DECODING AUDIO)	
DATA WITH SCALABILITY)	

REQUEST FOR WITHDRAWAL OF OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The September 4, 2008 non-final Office Action (hereinafter "Action") was mailed in this application after Applicants had filed a Response on August 28, 2008 (hereinafter "Response"). The Action was issued without considering the amendments and arguments submitted in the Response. The appropriate action for the Examiner to have taken after the Response was filed was to issue an Office Action or a Notice of Allowance taking into consideration the amendments and arguments submitted on August 28, 2008. Therefore, it is requested that the Examiner withdraw the outstanding Office Action and issue a new Office Action or a Notice of Allowance *after* consideration of the Response.

Conclusion

Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below if any issues remain in this matter, or if a discussion regarding any portion of the application is desired by the Examiner.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 1, 2008

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